IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application: : Group Art Unit: 3626
T. B. Mathias et al   : Examiner:
Serial No.: 10/613,779   : IBM Corporation
Filed: 07/01/2003   : Intellectual Property Law
Title: SYSTEM & METHOD TO MONITOR : Department IQ0A/040-3
AMOUNT OF USAGE OF APPLICATIONS : 1701 North Street
IN LOGICAL PARTITIONS   : Endicott, NY 13760

Assistant Commissioner For Patents

Washington, DC 20231

Sir:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner For Patents, Washington, D.C. 20231, on _____ 12-23-03 _____

Georgia Y. Brundege   12-23-03
Georgia Y. Brundege   Date

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Applicants bring to the Examiner's attention the following:

On October 3, 2000, IBM announced "Workload License Charges" for IBM eServer zSeries 900 servers in which the server was divided into LPARs, and the customer was charged only for the LPARs that were enabled for the customer. The charge was based on the number of LPARs that were enabled and the processing power/capacity or "service unit capacity" of each enabled LPAR.

On April 30, 2002, IBM announced a change to Workload License Charges in which the customer would be charged not for the defined capacity of each enabled LPAR, but for the actual utilization of each enabled LPAR. Attached is a copy of the announcement letter entitled "Changes to Workload License Charges Offer Additional Options and Price Advantages for Users of IBM eserver zSeries 800 and 900 Processors". So, if an LPAR has a defined capacity of ten million service units, but the customer was only using five million service units during the billing period to run the customer's application(s) and associated guest operating system in that LPAR, then the customer would only be charged five million service units for the application(s) and operating system running in that LPAR. The charge was based on the highest four hour rolling average of utilization of the LPAR during the month. If the customer executed an

END9-2003-0043US1   1

application or operating system in more than one LPAR, then the customer was charged for that application or operating system based on the utilization of all the LPARs that ran that application or operating system. If the customer executed more than one application in a single LPAR, and the LPAR utilization was five million service units (for both applications and associated operating system), then the customer would be charged for five million service units for **each** application. The foregoing change to the billing was effective on July 1, 2002. The foregoing change to the billing required that the customer have an updated version of the software Sub-Capacity Reporting Tool called "SCRT". The SCRT was orginally available for download to customers on the WWW in September 2001, more than one year before the filing date of the present patent application. Beginning on July 1, 2002, customers used an updated SCRT and reported to IBM on their actual utilization of each LPAR. This tool analyzed the utilization data in private memory of the LPAR, and then created a report called "Sub-Capacity Report", which the customer e-mailed to IBM.

An IBM "Call Home" tool was installed and used in these IBM servers in prior years, more than one year before the filing date of the present patent application. The Call Home tool ran in the system (not the LPAR) associated with the system operating system, and used information obtained from the server's processors to report the amount of actual LPAR utilization. The Call Home tool also reported the current configuration of the server, i.e. which LPARs were enabled by the customer and the processing power of each. When IBM received the first reports from the SCRT on or after July 1, 2002, IBM personnel verified/audited the SCRT reports by comparing the Call Home configuration information to the SCRT data. Occasionally, systems administrators also compared the LPAR utilization information from the Call Home data to the SCRT LPAR utilization report for auditing purposes. After July 1, 2002, IBM began to use an auditing tool to compare the Call Home LPAR utilization data to the SCRT LPAR utilization data to confirm/audit the SCRT LPAR utilization data.

<div style="text-align: right">

Respectfully submitted,

Arthur J. Samodovitz
Reg. No: 31,297

</div>

Telephone: (607) 429-4368
Fax: (607) 429-4119